IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ERICA H.,	Case No. 6:23-cv-00253-HZ
Plaintiff,	ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b)
vs.	
COMMISSIONER, Social Security Administration,	
Defendant.	

Plaintiff Erica H. brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for an award of benefits, and entered Judgment on January 5, 2024. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning January 2016.
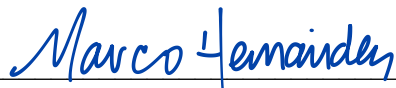
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. The Court has reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart,*

535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded $10,872.63 in attorney's fees under 42 U.S.C. § 406(b), representing the difference between the full § 406(b) amount requested ($19,006.25) and the amount of EAJA fee counsel previously received ($8,133.62).

In accordance with agency policy, the Commissioner is instructed to make a direct payment of the award of $10,872.63, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this ___31___ day of ___October___ 2024.

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MARCO A. HERNANDEZ
United States Senior District Judge